

# **Exhibit 3**

# **Jassy Declaration**

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Attorneys for Moving Party and  
Non-Party Journalist  
KENNETH JACOBY

**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF CALIFORNIA**

KENNETH JACOBY,

Moving Party,

vs.

BOARD OF SUPERVISORS OF THE  
UNIVERSITY OF LOUISIANA SYSTEM,

Responding Party.

Case No. \_\_\_\_\_

*Pending in USDC, Middle District of Louisiana,  
Case No. 3:22-cv-00338-BAJ-SDJ*

**NOTICE OF MOTION AND MOTION TO  
QUASH SUBPOENA DIRECTED TO NON-  
PARTY JOURNALIST KENNETH JACOBY,  
OR, IN THE ALTERNATIVE, FOR A  
PROTECTIVE ORDER**

PLEASE TAKE NOTICE that on December 14, 2023, or as soon thereafter as counsel may be heard in person or via videoconference or teleconference, as the Court may allow, Non-Party Journalist Kenneth Jacoby, who lives and works in Sacramento County, California, will and does move to quash the subpoena directed to Jacoby to produce documents, information, or objects or to permit inspection of premises in a civil action issued and served on October 31, 2023 (the “Subpoena”) by the Board of Supervisors of the University of Louisiana System (“ULS Board”), one of several defendants in the Title IX case *Jane Doe v. Board of Supervisors of the University of Louisiana System*, No. 22-cv-00338-BAJ-SDJ, pending in the United States District Court for the Middle District of Louisiana. Jacoby seeks an order quashing the subpoena and precluding the disclosure of materials and/or information constituting or concerning Jacoby’s unpublished newsgathering materials, sources of information, confidential information, or newsgathering techniques. In the alternative, Jacoby seeks a protective order limiting the disclosure of materials sought by the Subpoena.

Jacoby brings this motion pursuant to Federal Rule of Civil Procedure 45(d), Local Rule 251, the First and Fourteenth Amendments to the Constitution of the United States of America, the common law, Federal Rule of Evidence 501, California Constitution, art. 1, § 2(b), California Evidence Code § 1070, and, to the extent it is applicable, Louisiana’s reporter’s shield law, La. R.S. 45:1452.

Jacoby objects to, and moves to quash the Subpoena as substantively improper because, *inter alia* and as set forth in more detail in the forthcoming Joint Statement, the Subpoena: seeks unpublished newsgathering information and confidential sources protected by the reporter’s privilege/shield; burdens a non-party with discovery of documents available through alternative sources, including from public sources and parties to the underlying lawsuit; is cumulative with other discovery; seeks information beyond what is relevant to important issues in the case; and subjects a non-party journalist to an undue burden, including but not limited to the significant burden imposed by the need to review and produce documents under a protective order for a lawsuit involving a Jane Doe plaintiff, multiple confidential sources, and highly sensitive subject matter.

DATED: November 13, 2023

/s/ Jean-Paul Jassy  
JEAN-PAUL JASSY  
Counsel for Moving Party and Non-Party  
Journalist KENNETH JACOBY